

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

UNITED STATES OF AMERICA

PLAINTIFF

V.

CIVIL ACTION NO. 1:12-cv-134-HSO-RHW

**STEWART GAMMILL, III and
LYNN CROSBY GAMMILL**

DEFENDANT

**JOINT MOTION TO EXTEND THE DUE DATE OF
DEFENDANT'S ANSWER TO COMPLAINT**

Come now the **United States of America**, Plaintiff, and **Lynn Crosby Gammill**, Defendant, and move the Court to extend the due date of Defendant's answer to the Complaint in this action by ninety days to June 30, 2015 so that the parties will have adequate time to document and finalize a proposed settlement of all of the claims and issues in this action. In support of this Motion, the parties state as follows:

1. The Court has granted a series of extensions of the deadline for Defendant to answer the Complaint in this action in order to allow sufficient time in which to continue the parties' attempts to settle the claims and issues in this action through mediation. These efforts resulted in the settlement of all of the claims of the United States against Stewart Gammill, III. *See* Document 17 and 18. The parties, however, were unable to settle the claims against Mrs. Gammill at that time.

2. Following the settlement of the claims against Mr. Gammill, the parties continued in their efforts to reach a settlement with respect to Mrs. Gammill. After a mediation session in 2014, the parties reached a settlement of all of the United States' claims against Mrs. Gammill.

3. Although the parties have agreed to settle all claims, additional time is needed to finalize the settlement agreement. The terms of the settlement are subject to approval by

the appropriate officials with the Department of Justice and the Environmental Protection Agency who have final settlement authority. The necessary settlement documents and consent decree have been drafted and will be submitted to the Department of Justice and the Environmental Protection Agency for approval. After approval, the consent decree will be presented to the Court for entry, which will result in a dismissal of all of the claims against Mrs. Gammill.

4. The parties are working diligently to finalize the terms of Mrs. Gammill's settlement. This settlement, however, is complicated because the parties are also working with the City of Picayune and others to resolve the issue of the future reuse of the property by the community, which will require a separate settlement agreement with the City. This effort will take substantially more time than required for the finalization of Mrs. Gammill's decree alone.

5. Regarding the issue of the separate settlement agreement with the City of Picayune, counsel for the United States attended a City Council meeting on March 17, 2015 to present the terms of the settlement agreement and to answer questions of council members. The City Council was given until April 21, 2015 to indicate whether or not it would go forward with a negotiation of a proposed settlement agreement under which it would accept title to Mrs. Gammill's property and provide access and institutional controls to the United States.

6. The parties are currently scheduled to have a telephonic conference with the Magistrate on April 30, 2015 at which time the parties will advise as to the decision of the City Council of Picayune. If the City Council decides not to go forward with the settlement agreement, the parties will proceed to finalize the consent decree in this matter without the involvement of the City of Picayune.

7. As a result of these developments, the parties need additional time to resolve these issues and finalize the consent decree. The parties, therefore, move the Court to extend the deadline for Mrs. Gammill to answer the Complaint by ninety days. Granting the requested extension will allow the parties time to finalize the settlement, thereby disposing of this case in its entirety.

WHEREFORE, PREMISES CONSIDERED, the parties jointly move the Court to extend the due date of Mrs. Gammill's answer to the Complaint by ninety days to June 30, 2015, so that they may continue in their efforts to finalize the settlement documents and present the consent decree to the Court.

This the 3rd day of April, 2015.

Respectfully submitted,

UNITED STATES OF AMERICA

s/Cheryl A. Luke

Cheryl A. Luke (VA Bar No. 26331)
U.S. Department of Justice
Environmental Enforcement Section
Environment & Natural Resources Division
P.O. Box 7611
Washington, D.C. 20044-7611
Ph: 202.514.5466
Fx: 202.514.2583
cheryl.luke@usdoj.gov

Stephen R. Graben (MBN 4931)
Assistant United States Attorney
1575 20th Avenue
Gulfport, Mississippi 39501
stephen.graben@usdoj.gov
Phone: (228) 563-1560
Facsimile: (228) 563-1571

Gregory K. Davis
United States Attorney for the
Southern District of Mississippi

Of Counsel:
Stacey Haire
Senior Attorney for Cost Recovery
Office of Environmental Accountability
US EPA, Region 4
61 Forsyth Street, S.W.
Atlanta, GA 30303-8960

**ATTORNEYS FOR PLAINTIFF
UNITED STATES OF AMERICA**

LYNN CROSBY GAMMILL

s/Christy Sparks
Glenn Gates Taylor (MBN 7453)
Christy Sparks (MBN 101381)
COPELAND, COOK, TAYLOR & BUSH, P.A.
600 Concourse, Suite 100
1076 Highland Colony Parkway (39157)
Post Office Box 6020
Ridgeland, MS 39158
Ph: 601-856-7200
Fx: 601-856-7626
gtaylor@cctb.com
csparks@cctb.com

Paul N. Davis, Esq. (MBN 8638)
Michael D Caples, Esq. (MBN 9803)
BUTLER, SNOW, STEVENS & CANNADA, PLLC
1020 Highland Colony Parkway, Ste 1400
Ridgeland, MS 39157-8719
Post Office Box 6010
Ridgeland, MS 39157-6010
Ph: 601-948-5711
Fax: 601-985-4500
paul.davis@butlersnow.com
michael.caples@butlersnow.com

**ATTORNEYS FOR DEFENDANT
LYNN CROSBY GAMMILL**

CERTIFICATE OF SERVICE

I, Christy Sparks, do hereby certify that on April 3, 2015, I electronically filed the foregoing with the Clerk of this Court, using the ECF system, which sent notification of such filing to the following:

Cheryl A. Luke, Esq.
U.S. Department of Justice
Environmental Enforcement Section
Environment & Natural Resources Division
P.O. Box 7611
Washington, D.C. 20044-7611
Ph: 202.514.5466
Fx: 202.514.2583
cheryl.luke@usdoj.gov

Gregory K. Davis
United States Attorney for the
Southern District of Mississippi

Crockett Lindsey (MBN 1265)
Assistant United States Attorney

Of Counsel:
Stacey Haire
Senior Attorney for Cost Recovery
Office of Environmental Accountability
US EPA, Region 4
61 Forsyth Street, S.W.
Atlanta, GA 30303-8960

s/Christy Sparks